REMARKS

Applicants respectfully request entry of this amendment, reconsideration, and allowance.

The Examiner objects to the title as not being descriptive. Applicants believe the title to be accurate. A more detailed title is provided as required. But if the Examiner believes that some other title would be helpful for searching purposes when this application issues as patent, then the Applicants invite the Examiner to amend the title as the Examiner believes appropriate. Withdrawal of the objection to the title is requested.

Claims 1-5, 7, 9-16, 18, and 20 stand rejected under 35 U.S.C. §103 is being unpatentable over newly-applied Henon and Jensen. This rejection is respectfully traversed.

Henon discloses a mobile phone communicating with a wireline phone via a Bluetooth interface. The mobile asks for the telephone number of the wireline phone, the wireline phone responds by sending its wireline telephone number. Thereafter, the mobile communicates with its mobile network and asks that the call be set up with the wireline phone via the wireline network. The user answers the call on the wireline phone and then hangs up the call on the mobile. As a result, the call is transferred from the mobile to the wireline phone.

The purpose in Henon is to transfer the call from the mobile to the wireline phone so that the mobile is no longer used to conserve its battery. In the pending claims, by contrast, the call is not transferred from the mobile to the wireline phone. In the claims, a wireline connection is not established as Henon requires. Instead, the call is made through the mobile. If the battery runs out, the call is dropped. But there is no need for a wireline connection. Hence, the claims are directed to a very different purpose than Henon's which is achieved by different technical features than Henon uses.

The call itself goes via a short range wireless communication link. Henon only uses the Bluetooth link to query the wireline phone for its phone number. Thereafter, the mobile call and any link to the wireline phone is ended, as Henon explains in the summary of the invention section (1:56-2:12; emphasis added):

> In-progress call transfer between a wireless telephone and a wired telephone is effected using a short-range wireless communication link between the devices. Each of the devices are provisioned to include a short-range radio or infrared transceiver so that the devices can communicate with each other over the short-range wireless communication link, preferably using a given short-range wireless protocol. A preferred short-range wireless protocol is Bluetooth, although any convenient protocol may be used for this purpose. When the wireless telephone's battery is almost exhausted, or for any other reason that the user may desire, the wireless telephone requests the wired telephone's phone number by communicating with the wired telephone over the short-range wireless communication link. Upon receipt of the wired telephone's phone number, the wireless telephone issues a call transfer request to a cellular base station, passing the wired telephone's phone number. The base station and the network then re-route the call to the wired telephone. When the user (or another) places the wired telephone off-hook, the in-progress telephone call is connected to both the wireless telephone and the wired telephone. **The user may then disconnect the call from the wireless telephone, for example, by going on-hook**. The telephone call transfer is then complete.

Independent claim 1 recites: "the stationary terminal is arranged to communicate over the mobile radio telephony network via the mobile radio telephone." Independent claim 7 recites: "communicating by the stationary telephony terminal over the mobile radio telephony network via the mobile radio telephone." Such a call path is not established in Henon via the mobile phone. Rather, when the call is transferred to the wireline phone, the call to the mobile is ended. Henon's mobile is never a "via" or conduit for the call involving the wireline phone.

In addition to missing claim elements, further indicia are present that demonstrate non-obviousness. First, Henon *teaches away* from claims 1 and 7. In column 1, lines 18-21, Henon teaches: "those who use cellular telephones often find themselves cut off or dropped in the middle of a wireless call for any number of reasons, such as battery loss, network connection problems, or the like." Second, claims 1 and 7 suffer from this very problem that Henon explicitly wants to avoid. Indeed, in the claimed approach, the wireline phone lacks a wired connection to a fixed telephone network. Henon's system would not work without such a connection. A modification to Henon to make it more like what is claimed not only is not consistent with Henon's teachings, it renders Henon inoperable for its intended purpose—a clear indicia of non-obviousness. See, for example, *In re Fritch*, 972 F.2d 1260, 1265-1266 (Fed. Cir. 1992).

Other claim features are missing as well. Henon does not teach the claimed sequence of signals. For example, claim 7 recites:

- sending, from the stationary telephony terminal, discovery signals over the short range wireless communication link;
- receiving in the mobile radio telephone said discovery signals;
- sending response signals from the mobile radio telephone;
- receiving in the stationary telephony terminal the response signals; and
- sending a mobile identification signal from the mobile radio telephone, and thereafter, generating a ring signal at the stationary telephony terminal to indicate an incoming call.

Henon's mobile sends a phone number request requesting the wireline phone's telephone number. The wireline telephone replies with its wireline telephone. Then the mobile sends the

call transfer request. See 3:62-4-8. This is the opposite from what is quoted from claim 7 above where it is the wireline telephone—not the mobile—that sends the initial request message. Moreover, Applicants cannot find any teaching of establishing a speech channel on the Bluetooth link between the wireline telephone and mobile in Henon as recited in claim 16.

The application is in condition for allowance. An early notice to that effect is respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____
John R. Lastova
Reg. No. 33,149

JRL:maa
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100